

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - SW/Corner of Stemmers Run Road and Marilyn Avenue (401 Stemmers Run Road) 15th Election District 5th Councilmanic District Shell Oil Company - Petitioner

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-371-SPHXA

ORDER OF DISMISSAL

Pursuant to the receipt of a written request for withdrawal from Counsel for Petitioner,

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of May, 1990 that the Petitions for Special Hearing, Special Exception and Zoning Variance in the above-captioned matter be and the same are hereby DISMISSED without prejudice.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs
cc: J. Neil Lanzi, Esquire
25 W. Chesapeake Avenue, Suite 204, Towson, Md. 21204
Peoples Counsel
File

ORDER RECEIVED FOR FILING
Date _____
By _____

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-371-SPHXA**
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 405.4(A.1 and D.8) to allow a site area of 16,236 s.f. in lieu of the required 21,384 s.f.

SEE ATTACHMENT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty). In order to meet the minimum lot size requirements the gross square footage of the food store (1,596 s.f.) would have to be significantly reduced thus substantially reducing services for the customer. A variance allowing for a site area of 16,236 s.f. in lieu of the required 21,384 s.f. would allow the food store to remain its present size and eliminate the need for Petitioner to acquire additional property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: J. N. Doherty, District Manager, Shell Oil Company
(Type or Print Name)
Signature: *[Signature]*
Address: *[Address]*
City and State: *[City and State]*
Attorney for Petitioner: J. Neil Lanzi, Suite 401, 15200 Shady Grove Rd.
(Type or Print Name) Address Phone No.
Signature: *[Signature]* Rockville, Maryland 20850
City and State: *[City and State]*
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name: *[Name]*
Address: *[Address]*
Phone No.: *[Phone No.]*

ORDERED By The Zoning Commissioner of Baltimore County, this 7 day of Feb, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of March, 1990, at 9:30 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
OTHER
REVIEWED BY: CAM DATE 11 Jan 90

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-371-SPHXA**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 501.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve
(1) Conversion of existing full service station to a gas and go operation in combination with a food store; (2) to determine whether a food store use in combination is permitted under Section 405.8 for a service station in a B-1 zone without a district; and (3) to amend site plan under Case No. 2988.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: J. N. Doherty, District Manager, Shell Oil Company
(Type or Print Name)
Signature: *[Signature]*
Address: *[Address]*
City and State: *[City and State]*
Attorney for Petitioner: J. Neil Lanzi, Suite 401, 15200 Shady Grove Rd.
(Type or Print Name) Address Phone No.
Signature: *[Signature]* Rockville, Maryland 20850
City and State: *[City and State]*
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name: *[Name]*
Address: *[Address]*
Phone No.: *[Phone No.]*

ORDERED By The Zoning Commissioner of Baltimore County, this 7 day of Feb, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of March, 1990, at 9:30 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County

S.C.O.-No. 1

(over)

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-371-SPHXA**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a food store (less than 5,000 s.f.) in combination with a gas and go service station.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: J. N. Doherty, District Manager, Shell Oil Company
(Type or Print Name)
Signature: *[Signature]*
Address: *[Address]*
City and State: *[City and State]*
Attorney for Petitioner: J. Neil Lanzi, Suite 401, 15200 Shady Grove Rd.
(Type or Print Name) Address Phone No.
Signature: *[Signature]* Rockville, Maryland 20850
City and State: *[City and State]*
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name: *[Name]*
Address: *[Address]*
Phone No.: *[Phone No.]*

ORDERED By The Zoning Commissioner of Baltimore County, this 7 day of Feb, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of March, 1990, at 9:30 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County

S.C.O.-No. 1

(over)

ATTACHMENT

Variance from Section 405.4 A(1) to allow a minimum site width of 112.21 feet in lieu of the required 130 feet measured along Marilyn Avenue.

Variance from Section 405.4 A(3)(a) to allow a curb tangent length of 0 feet between the access driveway and property line on the southeast corner in lieu of the required 10 feet.

Variance from Section 405.4 A(3)(b) to allow an entrance of 42 feet at the northeast corner on Stemmers Run Road in lieu of the required 35 feet.

Variance from Section 405.4 A(3)(b) to allow an entrance of 45 feet at the northeast corner on Stemmers Run Road in lieu of the required 35 feet.

Variance from Section 405.4 A(3)(b) to allow the acute angle of intersection to vary greater than five degrees from a right angle with Stemmers Run Road for the two existing two-way traffic driveways on Stemmers Run Road.

Variance from Section 405.4 B(5) to allow the existing 14 foot light pole on the southeast corner of the site to remain in lieu of the required 8 foot 2 inches.

Variance from Section 405.4 A(4)(b) to allow 4 servicing spaces and 4 stacking spaces in lieu of required 6 servicing and 6 stacking spaces at pump island facing Stemmers Run Road.

Variance from Section 405.4 A(4)(b) to allow 2 servicing and 2 stacking spaces in lieu of required 6 servicing and 6 stacking spaces at pump island facing Marilyn Avenue.

Variance from Section 405.4 A(2) to allow setback of 4-1/2 feet off property line along Marilyn Avenue for illuminated identification sign in lieu of required 6 feet.

RICHARD L. BEALL, INC., A.I.A.
ARCHITECT AND PLANNER

90-371-SPHXA

ZONING DESCRIPTION FOR
SHELL OIL COMPANY
SOUTHWEST CORNER OF STEMMERS RUN ROAD & MARLYN AVENUE
ECONOMY AREA
15th ELECTION DISTRICT
Baltimore County, MARYLAND.

BEGINNING for the same at a cross-cut set on the southwest side of Stemmers Run Road as now laid out at the easternmost corner of that parcel of land which by deed dated October 1, 1969 and recorded among the land records of Baltimore County, Maryland in Liber 5041 at Folio 434 was granted and conveyed by Stemmer's Run Co. to Leopold Gruesz and Ana Gruesz, his wife, and running thence with and binding on Stemmers Run Road as aforesaid, and leaving the aforesaid conveyance to Gruesz (5041/434), the following two (2) courses and distances, viz:

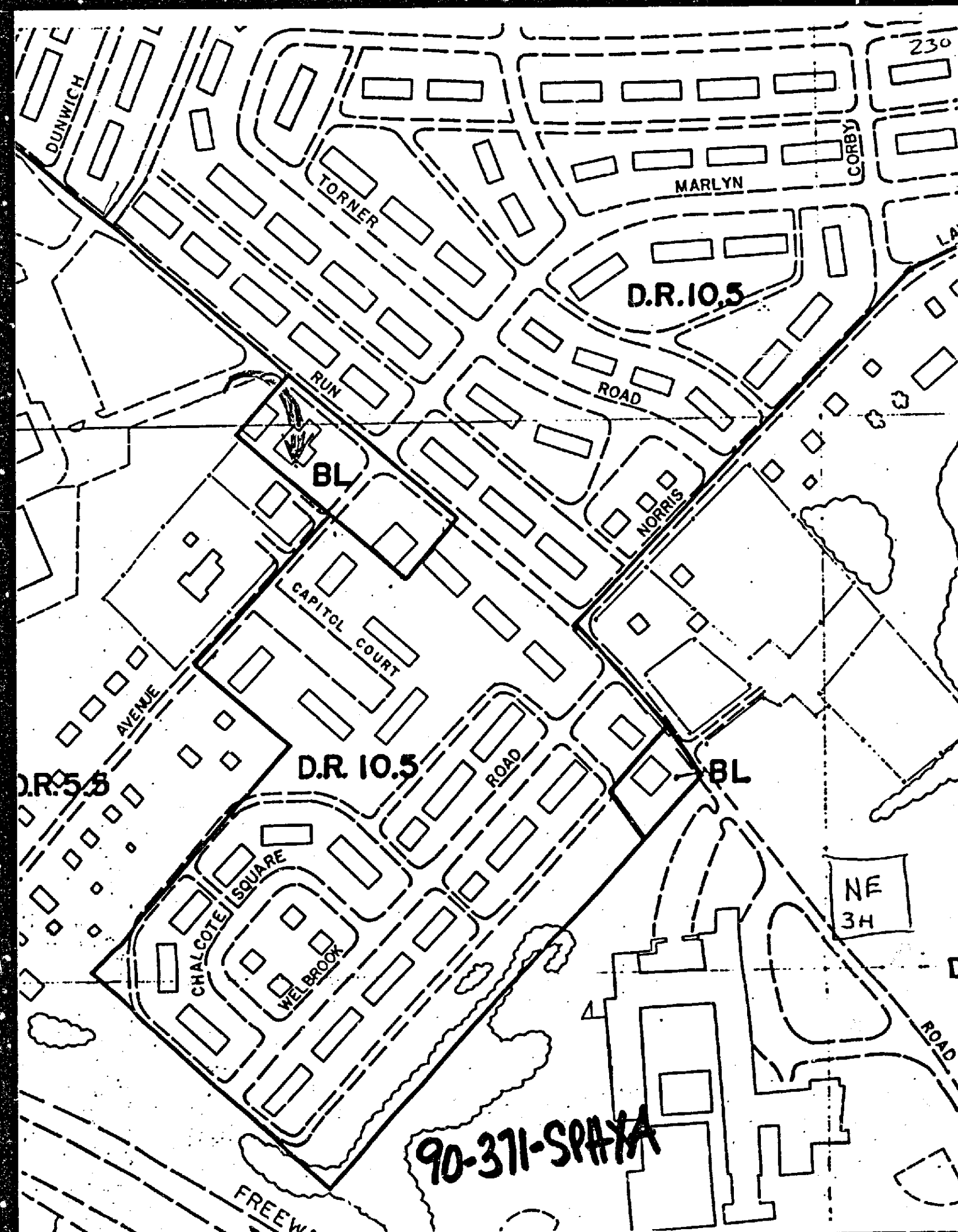
1. South 43° 45' 00" East 139.73 feet to an iron pipe set and
2. 5.29 feet along the arc of a curve to the right having a radius of 15.00 feet and a chord bearing south 38° 48' east 5.26 feet to an iron pipe set on the northeast side of Marilyn Avenue as now laid out, thence running with said Marilyn Avenue
3. South 47° 09' 00" West 112.21 feet to an iron pipe set at the easternmost corner of that parcel of land which by deed dated May 2, 1980 and recorded among the land records of Baltimore County, Maryland in Liber 6161 at Folio 153 was granted and conveyed Leroy E. Jones and Betty Lou Jones, his wife, to Betty Lou Jones, thence leaving Marilyn Avenue and running with the northeastern line of said conveyance
4. North 42° 35' 00" West 145.39 feet to an iron pipe set, thence leaving said outline and running with southeast line of the parcel of land described in the deed firstly mentioned above,
5. North 47° 24' 00" East 110.22 feet to the place of beginning, containing 16,236 square feet of land, more or less, or 0.372 acres of land, more or less.

BEING known as No. 401 Stemmers Run Road, Essex, Maryland.



November 22, 1989

360 JONES STATION ROAD, ARNOLD, MARYLAND 21012 (301) 544-2010



CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21211

March 1, 1990

THIS IS TO CERTIFY, that the annexed advertisement of

Shell Oil Company in the matter of Petitions for Special Hearing, Special Exception, Case # 90-371-SPHXA P.O.# 0102748, Reg. # M39842. 196 lines @.55 or \$107.80

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for 1

successive week(s) before the 2 day of March, 1990.

that is to say, the same was inserted in the issues of March 1, 1990.

The Avenue Inc.

per publisher

By *[Signature]*

Notice of Hearing - The Zoning Commissioner of Baltimore County, by authority of the Zoning Law and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following: Petition for Special Hearing, Special Exception & Zoning Variance Case Number 90-371-SPHXA, SW/Corner of Stemmers Run Road & Marilyn Avenue (401 Stemmers Run Road) 15th Election District - 5th Councilmanic District Shell Oil Company - Petitioner. HEARING DATE: THURSDAY, MARCH 17, 1990 at 9:30 a.m.

Conversion of existing full service station to a gas and go operation in combination with a food store; (2) to determine whether a food store use in combination is permitted under Section 405.8 for a service station in a B-1 zone without a district; and (3) to amend site plan under Case No. 2988. Special Exception: A food store less than 5,000 sq. ft. in combination with a gas and go service station. Variance to allow a site area of 16,236 sq. ft. in lieu of the required 21,384 sq. ft. in lieu of the required 130 feet measured along Marilyn Avenue to allow a curb tangent length of 0 feet between the access driveway and property line on the southeast corner in lieu of the required 10 feet; to allow a curb tangent length of 0 feet between the access driveway and property line on the northeast corner in lieu of the required 35 feet; to allow an entrance of 42 feet at the northeast corner on Stemmers Run Road in lieu of the required 35 feet; to allow an entrance of 45 feet at the northeast corner on Stemmers Run Road in lieu of the required 35 feet.

At the northeast corner of Stemmers Run Road in lieu of the required 35 ft.; to allow the acute angle of intersection to vary greater than 5° from a right angle with Stemmers Run Road for the two existing two-way traffic driveways on Stemmers Run Road; to allow the existing 14 ft. light pole on the southeast corner of the site to remain in lieu of the required 8 ft. 2 in. to allow a servicing space and 4 stacking spaces in lieu of the required 6 servicing and 6 stacking spaces at pump island facing Marilyn Avenue; to allow 2 servicing and 2 stacking spaces in lieu of required 6 servicing and 6 stacking spaces at pump island facing Stemmers Run Road; to allow 4 servicing spaces and 4 stacking spaces in lieu of required 6 servicing and 6 stacking spaces at pump island facing Marilyn Avenue. In the event that this Petition is granted, a Building Permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, not be required to issue a Building Permit for a period of 90 days after the date of the hearing. If the date of the hearing is not held or postponed or if the hearing is not held, the Petitioner shall be deemed to have waived the right to appeal. J. ROBERT HINES, Zoning Commissioner of Baltimore County.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 14, 1990



J. Neil Lanzi, Esquire
25 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

RE: Item No. 230, Case No. 90-371-SPHXA
Petitioner: J. N. Doherty, et al
Petition for Zoning Variance, Special Hearing
and Special Exception

Dear Mr. Lanzi:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. J. N. Doherty
Shell Oil Company
Suite 401, 15200 Shady Grove Road
Rockville, MD 20850

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

FEBRUARY 1, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: SHELL OIL COMPANY
Location: #401 STEMMERS RUN ROAD
Item No.: 230 Zoning Agenda: FEBRUARY 6, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

CRG-11 ALL SELF-SERVICE STATIONS SHALL HAVE 1 ATTENDANT ON DUTY WHILE THE STATION IS OPEN TO THE PUBLIC. THE ATTENDANT'S PRIMARY FUNCTION SHALL BE TO SUPERVISE, OBSERVE, AND CONTROL THE DISPENSING OF CLASS I LIQUIDS WHILE ACTUALLY BEING DISPENSED. NFPA 30, 1987 ED., SEC 7-8.4.3 AND SEC 7-8.4.4.

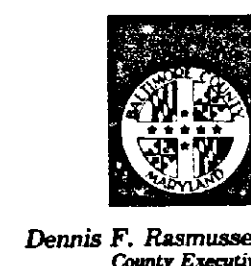
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John J. Kelly* 2-1-90 Noted and Approved
Planning Group
Special Inspection Division

JK/KEK

FEB 0 6 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this
7th day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: J. N. Doherty, et al

Petitioner's Attorney: J. Neil Lanzi

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: February 21, 1990

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: J.N. Doherty, District Manager,
Shell Oil Co., Item 230

The Petitioner requests a Special Exception for a food store (less than 5,000 sq. ft.) in combination with a "Gas and Go" station; and a Variance regarding area and related requests.

In reference to the Petitioner's request, staff recommends that the subject request be denied for the same reasons as set forth in the matter of Crown Stations, Inc. (Case No. 90-94-SPHXA).

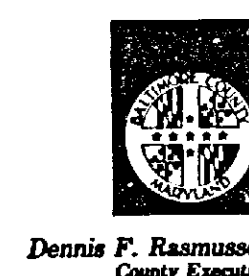
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

FEB 23 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 9, 1990



J. Neil Lanzi, Esq.
25 W. Chesapeake Avenue, Suite 204
Towson, Maryland 21204

Re: Case Number: 90-371-SPHXA
Petitioner(s): Shell Oil Company

Dear Mr. Lanzi:

Receipt of your letter dated March 8, 1990 and, accordingly, the above case scheduled to be heard on March 27, 1990, has been postponed.

Pursuant to our conversation this date, the sign posted on the property will remain in place and you will have your clients label same postponed.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

G. C. Stephens
G. C. STEPHENS
(301) 887-3391

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

25-90
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #230, Zoning Advisory Committee Meeting of February 6 1990

Property Owner: Shell Oil Company

Location: J.N. Doherty, District Manager, Shell Oil Co. District: 15

Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or less) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any chattrhoiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewage facilities or other appliances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations for more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted, must be conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
- () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others _____

John O. Seiland
BUREAU OF WATER QUALITY AND RESOURCES
MANAGEMENT

SEILAND AND JEDNORSKI, P. A.
ATTORNEYS AT LAW
SUITE 204
25 WEST CHESAPEAKE AVENUE
POST OFFICE BOX 5404
TOWSON, MARYLAND 21204
(301) 341-8200

March 6, 1990

J. Robert Haines, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Case No.: 90-371-SPHXA
401 Stemmers Run Road
Petitioner: Shell Oil Company

Dear Mr. Haines:

The above listed case has been scheduled for a Hearing on Tuesday, March 27, 1990 at 9:30 a.m. My clients will be out of the state the entire week of March 26, 1990. Accordingly, I respectfully request that you postpone this Hearing to a later date.

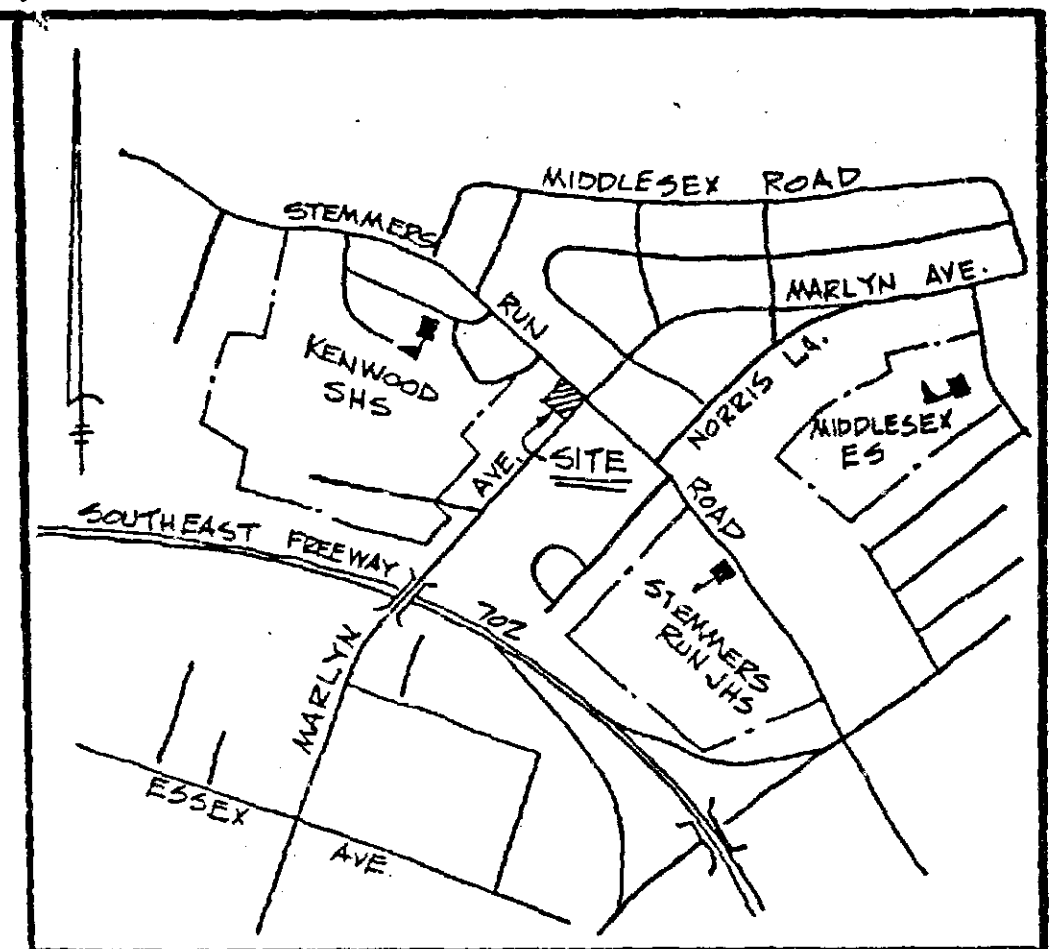
I thank you for your cooperation in this matter.

Very truly yours,

John O. Seiland

J. Neil Lanzi

JNL:cc



AREA MAP
SCALE: 1" = 1000'

ZONING NOTES

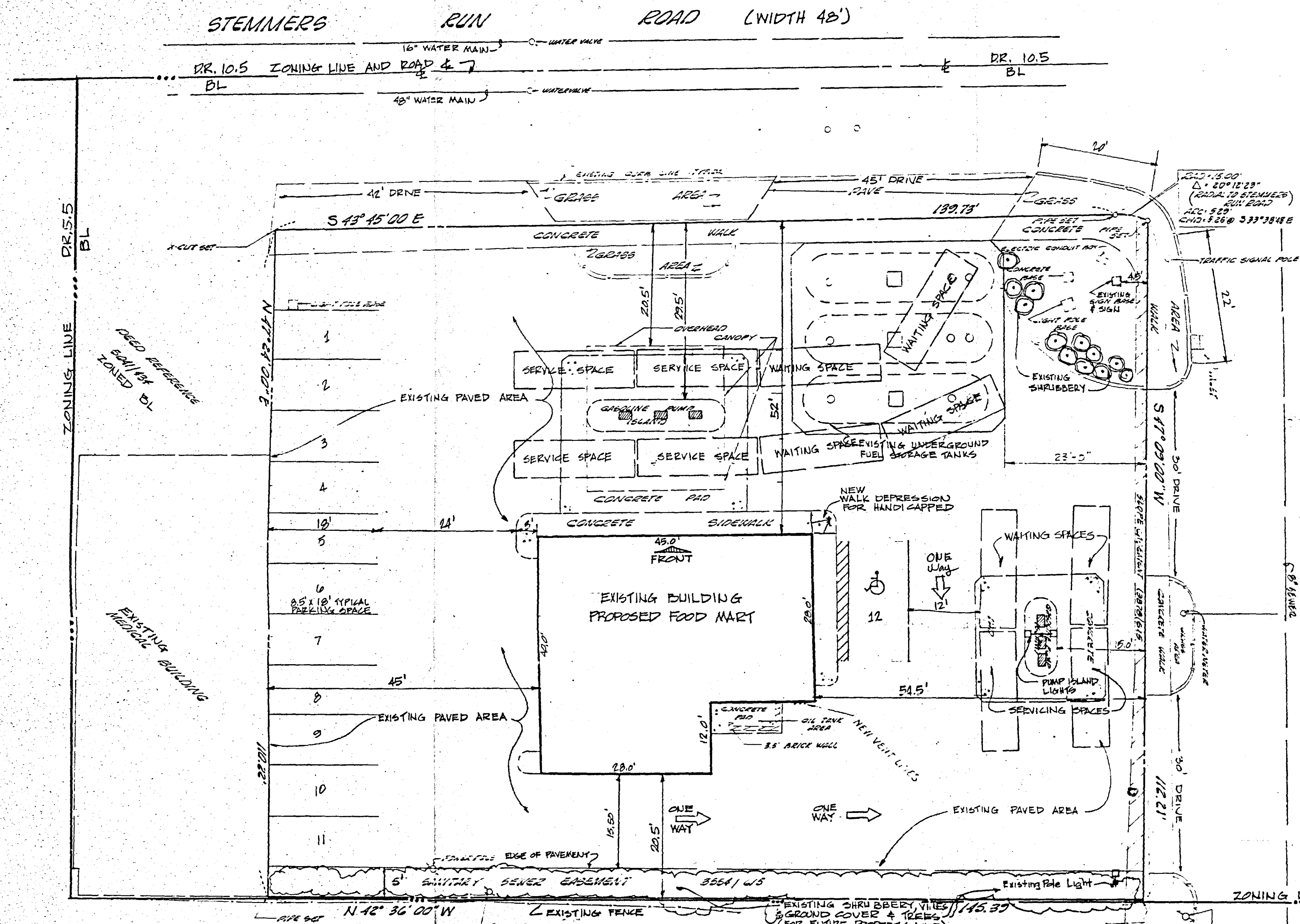
1. Section District: 15th
2. Existing Zoning: BL, Business Local
3. Proposed Zoning: No change, but we are requesting the following:
 - a) Special Exception for food store (less than 5,000 s.f.) in combination with a gas and go service station.
 - b) Special Hearing: (1) to allow conversion of existing full service station to a gas and go operation in combination with a food store; (2) to determine whether a food store use in combination is permitted under section 405.4 for a service station in a BL zone without a district; and (3) to amend site plan under Case No. 2988.
 - c) Variance from section 405.4 A.1 & D.8 to allow a site area of 16,236 s.f. in lieu of the required 21,384 s.f.
 - d) Variance from section 405.4 A(1) to allow a minimum site width of 112.21 feet in lieu of the required 130 feet measured along Marlyn Avenue.
 - e) Variance from section 405.4 A(3)(a) to allow a curb tangent of 0 feet between the entrance driveway and property line on the southeast corner and the northwest corner in lieu of the required 10 feet.
 - f) Variance from section 405.4 A(3)(b) to allow an entrance of 42 feet at the northeast corner on Stemmers Run Road and an entrance of 45 feet at the northwest corner on Marlyn Avenue in lieu of the required 35 feet.
 - g) Variance from section 405.4 A(3)(b) to allow the acute angle of intersection to vary greater than five degrees from a right angle with Stemmers Run Road for the two existing two-way traffic driveways on Stemmers Run Road.
 - h) Variance from section 405.4 B(5) to allow the existing 14 foot light pole on the southeast corner of the site to remain in lieu of the required 20 foot 2 inch.
4. Bearings and distances shown hereon are based on deeds of record.
5. Property Owner: Shell Oil Company
15200 Shady Grove Road
Rockville, Maryland 20850
6. Deed reference: Liber 5041, Folio 434
7. Tax account: 815-01-890035
8. Site area: 16,236 s.f.
9. Existing use: Gas service station
10. Proposed use: Gas-and-go in combination with food store
11. Access points: No. of driveways on Stemmers Run Road = 2
Required site width is 2 x 65' = 130'
Actual site width = 144.99'
No. of driveways on Marlyn Avenue = 2
Required site width is 2 x 65' = 130'
Actual site width = 112.21', see 3 (d) above
12. Area requirements:
Total area of food store = 1,596 s.f.
Total servicing spaces = 6
Area required = 5 x 1,500 = 7,500 (use 15,000 s.f. min.) + use in combination (food store) 4 x 1,596 = 6,384 s.f.
Total area required = 15,000 + 6,384 = 21,384 s.f.
13. Combination use: 1,596 s.f. food store (less than 5,000 s.f.)
14. Area disturbed by new construction = No new exterior construction is to occur.
15. Parking required: 1 space for each 200 square feet of total floor area.
1,596 s.f. / 200 = 7.98 spaces (use 8)
Parking provided = 12 spaces including 1 handicapped space.
16. CONTINUED:
1) VARIANCE FROM SECTION 405.4 A (4XB) TO PERMIT 2 SERVICE SPACES AND 2 WAITING SPACES IN LIEU OF THE REQUIRED 6 SERVICE & 6 WAITING SPACES ALONG STEMMERS RUN ROAD.
2) VARIANCE FROM SECTION 405.4 A (4XB) TO PERMIT 2 SERVICE SPACES AND 2 WAITING SPACES IN LIEU OF THE REQUIRED 6 SERVICE & 6 WAITING SPACES ALONG MARLYN AVENUE.
3) VARIANCE FROM SECTION 405.4 A (4XB) TO ALLOW AN EXISTING SIGN LOCATED 4.5 FEET FROM THE STREET RIGHT-OF-WAY IN LIEU OF THE REQUIRED 6 FOOT SETBACK.



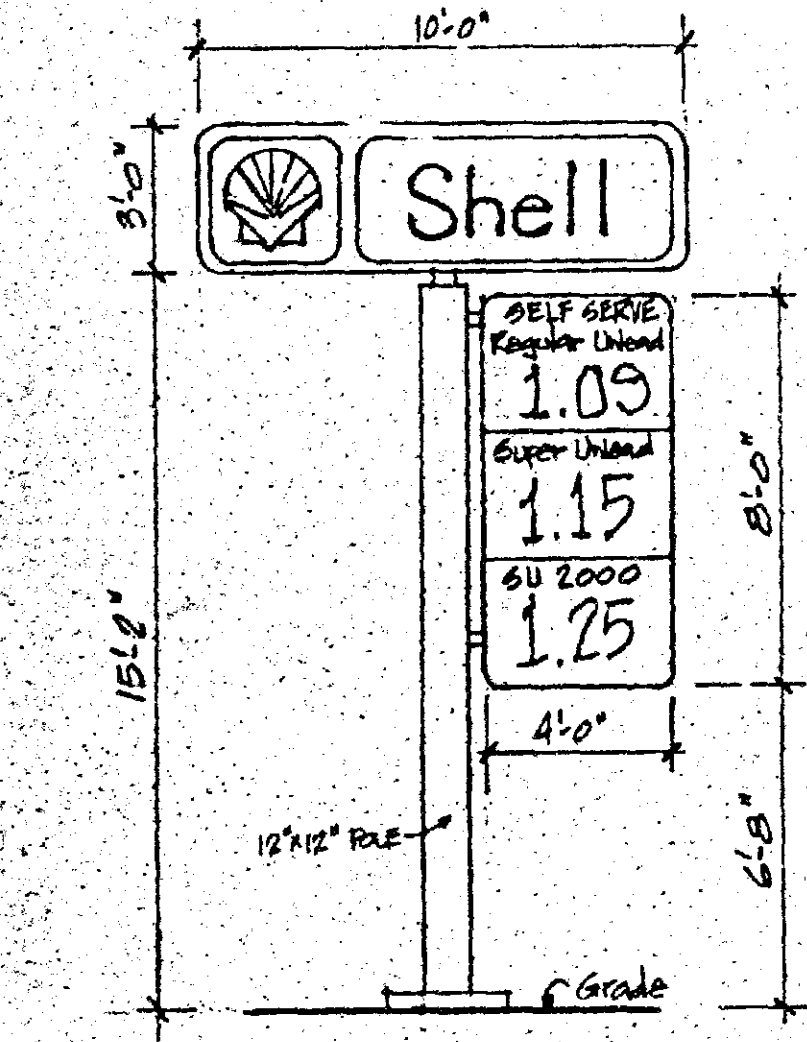
ZONING CASES

Prior cases affecting this particular site.
Case No. 2988-RS Petition For Reclassification of this property from A residential to E commercial. Petition granted on July 23, 1954 allowing reclassification to E commercial and granting special permit for a full service station.
Case No. 83-240-XSPHA Petition For Special Exception to allow a food store with less than five thousand (5,000) square feet in combination with a gas and go service station. Petition for Special Hearing to allow an Amendment to the site plan filed in Case No. 2988 to allow the conversion of existing service station to a gas and go operation in combination with a food store and to amend Restriction No. 1 of Case No. 2988 to allow the existing gas pumps and pump island to be located closer to Marlyn Avenue than the setback of the house on the adjoining property. Petition For Zoning Variance from Section 405.4 (A.1 and D.8) to allow a site area of sixteen thousand two hundred thirty-six (16,236) square feet in lieu of the required twenty-one thousand three hundred eighty-four (21,384) square feet. On May 23, 1983, all relief requested was granted including the Special Exception Petition for a food store in combination with a gas and go operation subject to three conditions, Petition For Special Hearing granted to allow a conversion of a full service station to a gas and go operation and the removal of Restriction 1 from Case No. 2988 to allow the relocation of existing gas pumps and gas island; the Petition for Variance granted allowing a site area of sixteen thousand two hundred thirty-six (16,236) square feet in lieu of the required twenty-one thousand three hundred eighty-four (21,384) square feet.

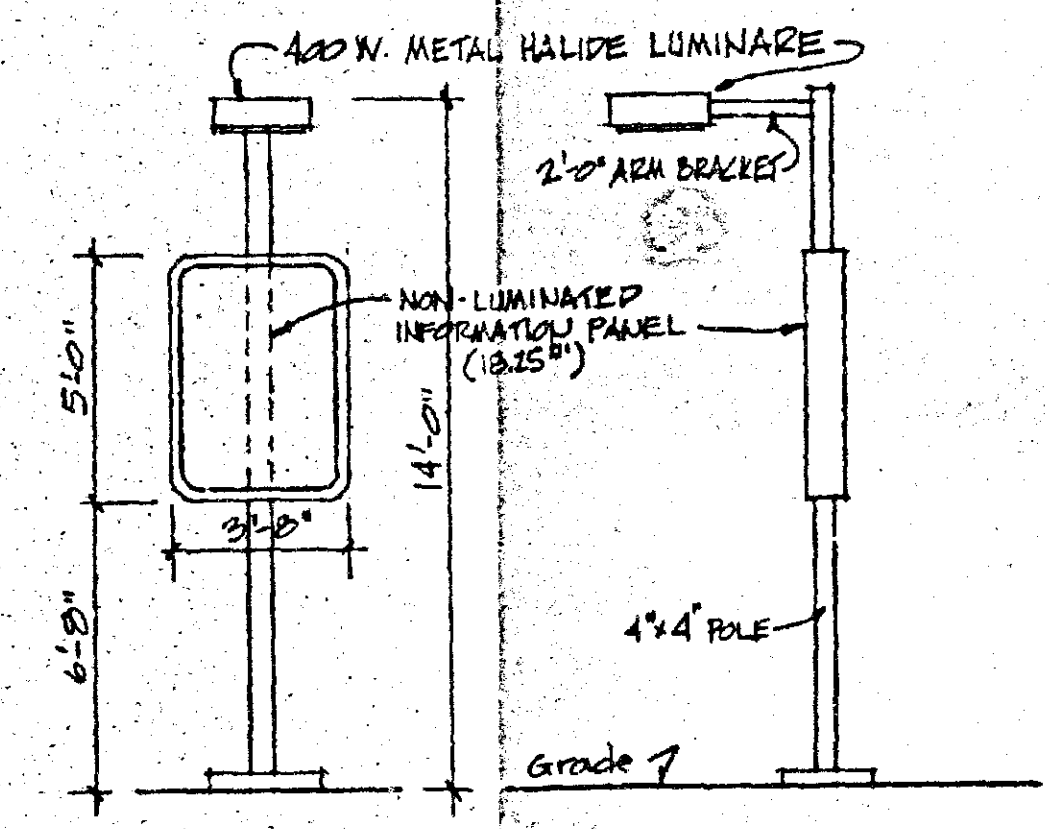
RICHARD L. BEALL, INC., A.I.A.
Architect & Planner
360 Jones Station Road
ARNOLD, MARYLAND 21012
(301) 544-2010
90-371-SPHXA 230
SHELL FOOD MART
401 STEMMERS RUN RD.
ESSEX, MARYLAND
SHELL OIL COMPANY
HOUSTON, TEXAS
DESIGNED: [] CHECKED: []
DRAWN: [] SUPERVISED: []
SITE PLAN
DATE: NOV. 27, 83 DRAWING NO. C-1 SHEET 1 OF 1



SITE PLAN
SCALE: 1" = 10'



EXISTING LUMINATED SIGN 62"
SCALE: 1/4" = 1'-0"



EXISTING POLE LIGHTS
SCALE: 1/4" = 1'-0"

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - SW/Corner of Stemmers Run Road and Marilyn Avenue (401 Stemmers Run Road) 15th Election District 5th Councilmanic District Shell Oil Company - Petitioner

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-371-SPHXA

ORDER OF DISMISSAL

Pursuant to the receipt of a written request for withdrawal from Counsel for Petitioner,

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of May, 1990 that the Petitions for Special Hearing, Special Exception and Zoning Variance in the above-captioned matter be and the same are hereby DISMISSED without prejudice.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs
cc: J. Neil Lanzi, Esquire
25 W. Chesapeake Avenue, Suite 204, Towson, Md. 21204
Peoples Counsel
File

ORDER RECEIVED FOR FILING
Date _____
By _____

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-371-SPHXA**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 405.4(A.1 and D.8) to allow a site area of 16,236 s.f. in lieu of the required 21,384 s.f.

SEE ATTACHMENT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty). In order to meet the minimum lot size requirements the gross square footage of the food store (1,596 s.f.) would have to be significantly reduced thus substantially reducing services for the customer. A variance allowing for a site area of 16,236 s.f. in lieu of the required 21,384 s.f. would allow the food store to remain its present size and eliminate the need for Petitioner to acquire additional property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: J. N. Doherty, District Manager, Shell Oil Company
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City and State: [City and State]
Attorney for Petitioner: J. Neil Lanzi, Suite 401, 15200 Shady Grove Rd., Rockville, Maryland 20850
(Type or Print Name) Address City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State Name Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 7 day of Feb, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of March, 1990, at 9:30 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING - MON./TUES./WED. - NEXT TWO MONTHS
OTHER
REVIEWED BY: CAM DATE 11 Jan 1990

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-371-SPHXA**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 501.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

(1) Conversion of existing full service station to a gas and go operation in combination with a food store; (2) to determine whether a food store use in combination is permitted under Section 405.8 for a service station in a B-1 zone without a district, and (3) to amend site plan under Case No. 2988.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: J. N. Doherty, District Manager, Shell Oil Company
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City and State: [City and State]
Attorney for Petitioner: J. Neil Lanzi, Suite 401, 15200 Shady Grove Rd., Rockville, Maryland 20850
(Type or Print Name) Address City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State Name Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 7 day of Feb, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of March, 1990, at 9:30 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-371-SPHXA**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a food store (less than 5,000 s.f.) in combination with a gas and go service station.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: J. N. Doherty, District Manager, Shell Oil Company
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City and State: [City and State]
Attorney for Petitioner: J. Neil Lanzi, Suite 401, 15200 Shady Grove Rd., Rockville, Maryland 20850
(Type or Print Name) Address City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State Name Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 7 day of Feb, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of March, 1990, at 9:30 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County

ATTACHMENT

- Variance from Section 405.4 A(1) to allow a minimum site width of 112.21 feet in lieu of the required 130 feet measured along Marilyn Avenue.
- Variance from Section 405.4 A(3)(a) to allow a curb tangent length of 0 feet between the access driveway and property line on the southeast corner in lieu of the required 10 feet.
- Variance from Section 405.4 A(3)(b) to allow an entrance of 42 feet at the northeast corner on Stemmers Run Road in lieu of the required 35 feet.
- Variance from Section 405.4 A(3)(b) to allow an entrance of 45 feet at the northeast corner on Stemmers Run Road in lieu of the required 35 feet.
- Variance from Section 405.4 A(3)(b) to allow the acute angle of intersection to vary greater than five degrees from a right angle with Stemmers Run Road for the two existing two-way traffic driveways on Stemmers Run Road.
- Variance from Section 405.4 B(5) to allow the existing 14 foot light pole on the southeast corner of the site to remain in lieu of the required 8 foot 2 inches.
- Variance from Section 405.4 A(4)(b) to allow 4 servicing spaces and 4 stacking spaces in lieu of required 6 servicing and 6 stacking spaces at pump island facing Stemmers Run Road.
- Variance from Section 405.4 A(4)(b) to allow 2 servicing and 2 stacking spaces in lieu of required 6 servicing and 6 stacking spaces at pump island facing Marilyn Avenue.
- Variance from Section 405.4 A(2) to allow setback of 4-1/2 feet off property line along Marilyn Avenue for illuminated identification sign in lieu of required 6 feet.

RICHARD L. BEALL, INC., A.I.A.

ARCHITECT AND PLANNER

90-371-SPHXA

ZONING DESCRIPTION FOR SHELL OIL COMPANY
SOUTHWEST CORNER OF STEMMERS RUN ROAD & MARLYN AVENUE
ECONOMY AREA
15th ELECTION DISTRICT
Baltimore County, MARYLAND.

BEGINNING for the same at a cross-cut set on the southwest side of Stemmers Run Road as now laid out at the easternmost corner of that parcel of land which by deed dated October 1, 1969 and recorded among the land records of Baltimore County, Maryland in Liber 5041 at Folio 434 was granted and conveyed by Stemmer's Run Co. to Leopold Gruesz and Ana Gruesz, his wife, and running thence with and binding on Stemmers Run Road as aforesaid, and leaving the aforesaid conveyance to Gruesz (5041/434), the following two (2) courses and distances, viz:

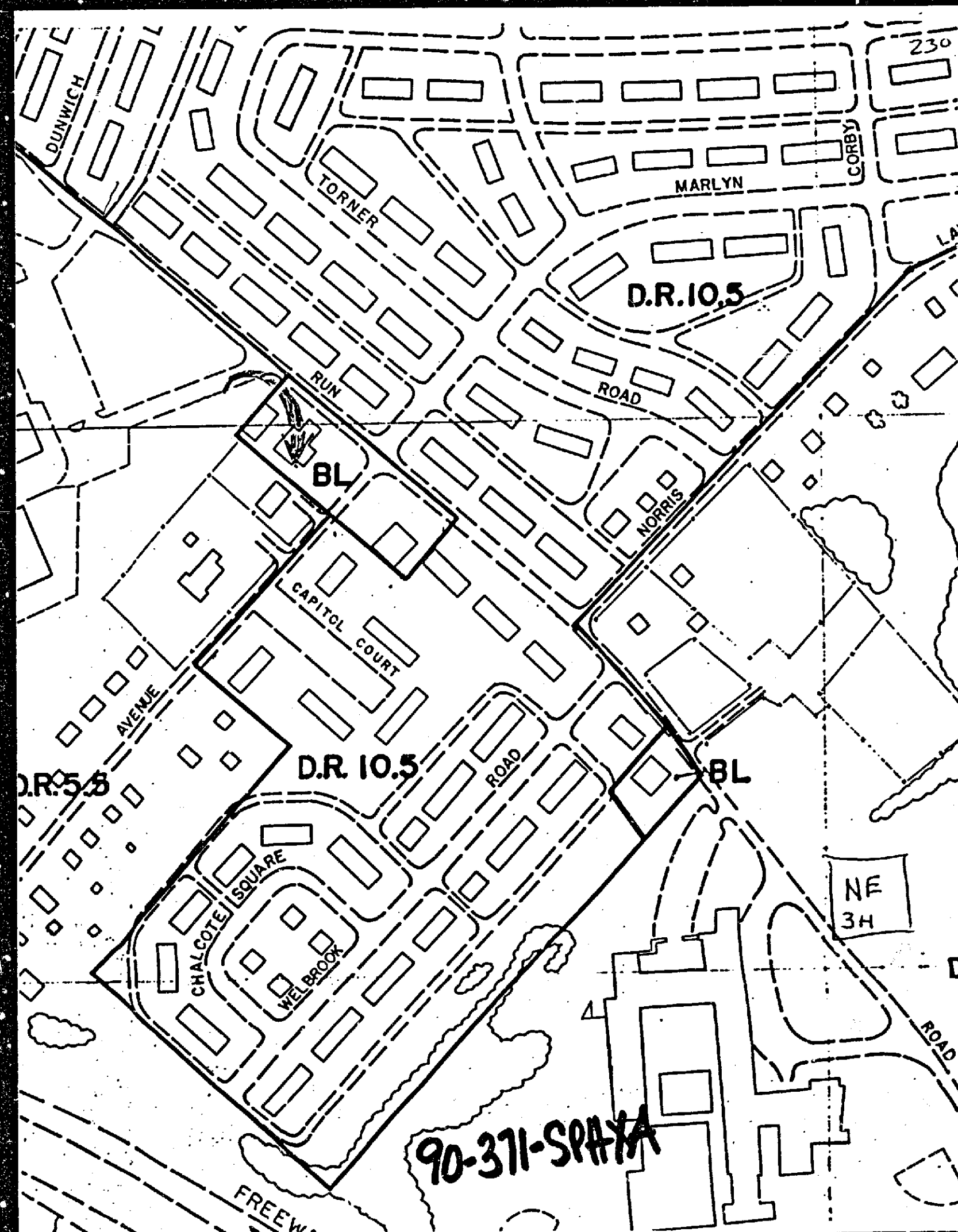
- South 43° 45' 00" East 139.73 feet to an iron pipe set and
- 5.29 feet along the arc of a curve to the right having a radius of 15.00 feet and a chord bearing south 38° 48' east 5.26 feet to an iron pipe set on the northeast side of Marilyn Avenue as now laid out, thence running with said Marilyn Avenue
- South 47° 09' 00" West 112.21 feet to an iron pipe set at the easternmost corner of that parcel of land which by deed dated May 2, 1980 and recorded among the land records of Baltimore County, Maryland in Liber 6161 at Folio 153 was granted and conveyed Leroy E. Jones and Betty Lou Jones, his wife, to Betty Lou Jones, thence leaving Marilyn Avenue and running with the northeastern line of said conveyance
- North 42° 35' 00" West 145.39 feet to an iron pipe set, thence leaving said outline and running with southeast line of the parcel of land described in the deed firstly mentioned above,
- North 47° 24' 00" East 110.22 feet to the place of beginning, containing 16,236 square feet of land, more or less, or 0.372 acres of land, more or less.

BEING known as No. 401 Stemmers Run Road, Essex, Maryland.



November 22, 1989

360 JONES STATION ROAD, ARNOLD, MARYLAND 21012 (301) 544-2010



CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21211

March 1, 1990

THIS IS TO CERTIFY, that the annexed advertisement of Shell Oil Company in the matter of Petitions for Special Hearing, Special Exception, Case # 90-371-SPHXA P.O.# 0102748, Reg. # M39842. 196 lines @.55 or \$107.80

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 2 day of March, 1990; that is to say, the same was inserted in the issues of March 1, 1990.

The Avenue Inc.
per publisher

By Deane B. Caldwell

Notice of Hearing

The Zoning Commissioner of Baltimore County, by authority of the Zoning Law and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following: Petition for Special Hearing, Special Exception & Zoning Variance Case Number 90-371-SPHXA, SW/Corner of Stemmers Run Road & Marilyn Avenue (401 Stemmers Run Road) 15th Election District 5th Councilmanic District Shell Oil Company - Petitioner. HEARING DATE: THURSDAY, MARCH 17, 1990 at 9:30 a.m. Conversion of existing full service station to a gas and go operation in combination with a food store. (2) to determine whether a food store use in combination is permitted under Section 405.8 for a service station in a B-1 zone without a district, and (3) to amend site plan under Case No. 2988. Special Exception: A food store less than 5,000 sq. ft. in combination with a gas and go service station. Variance to allow a site area of 16,236 sq. ft. in lieu of the required 21,384 sq. ft. to allow a curb tangent length of 0 ft. between the access driveway and property line on the southeast corner in lieu of the required 10 ft.; to allow a setback of 45 ft. off property line along Marilyn Avenue for illuminated identification sign in lieu of the required 6 ft.; to allow an entrance of 42 ft. at the northeast corner on Stemmers Run Road in lieu of the required 35 ft.; to allow an entrance of 45 ft. at the northeast corner on Stemmers Run Road in lieu of the required 35 ft.

At the northeast corner of Stemmers Run Road in lieu of the required 35 ft.; to allow the acute angle of intersection to vary greater than 5° from a right angle with Stemmers Run Road for the two existing two-way traffic driveways on Stemmers Run Road; to allow a curb tangent length of 0 ft. between the access driveway and property line on the southeast corner of the site to remain in lieu of the required 8 ft. 2 in. to allow a servicing space and 4 stacking spaces in lieu of the required 6 servicing and 6 stacking spaces at pump island facing Marilyn Avenue; to allow 2 servicing and 2 stacking spaces in lieu of required 6 servicing and 6 stacking spaces at pump island facing Stemmers Run Road; to allow 4 servicing spaces and 4 stacking spaces in lieu of required 6 servicing and 6 stacking spaces at pump island facing Marilyn Avenue. In the event that this Petition is granted, a Building Permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, not issue a Building Permit until the date of the hearing and the date of the hearing is subject to change without notice. A copy of the hearing notice will be mailed to the owner of the property and to the owner of the adjacent property. J. ROBERT HINES, Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 14, 1990



J. Neil Lanzi, Esquire
25 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

RE: Item No. 230, Case No. 90-371-SPHXA
Petitioner: J. N. Doherty, et al
Petition for Zoning Variance, Special Hearing
and Special Exception

Dear Mr. Lanzi:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. J. N. Doherty
Shell Oil Company
Suite 401, 15200 Shady Grove Road
Rockville, MD 20850

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

FEBRUARY 1, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: SHELL OIL COMPANY

Location: #401 STEMMERS RUN ROAD

Item No.: 230 Zoning Agenda: FEBRUARY 6, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

CRG-11 ALL SELF-SERVICE STATIONS SHALL HAVE 1 ATTENDANT ON DUTY WHILE THE STATION IS OPEN TO THE PUBLIC. THE ATTENDANT'S PRIMARY FUNCTION SHALL BE TO SUPERVISE, OBSERVE, AND CONTROL THE DISPENSING OF CLASS I LIQUIDS WHILE ACTUALLY BEING DISPENSED. NFPA 30, 1987 ED., SEC 7-8.4.3 AND SEC 7-8.4.4.

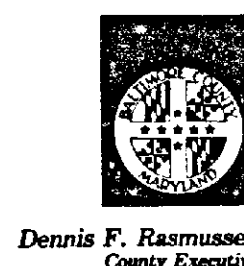
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John J. Kelly* 2-1-90 Noted and Approved
Planning Group
Special Inspection Division

JK/KEK

FEB 0 6 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
7th day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: J. N. Doherty, et al

Petitioner's Attorney: J. Neil Lanzi

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: February 21, 1990

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: J.N. Doherty, District Manager,
Shell Oil Co., Item 230

The Petitioner requests a Special Exception for a food store (less than 5,000 sq. ft.) in combination with a "Gas and Go" station; and a Variance regarding area and related requests.

In reference to the Petitioner's request, staff recommends that the subject request be denied for the same reasons as set forth in the matter of Crown Stations, Inc. (Case No. 90-94-SPHXA).

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

FEB 23 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 9, 1990



Dennis F. Rasmussen
County Executive

J. Neil Lanzi, Esq.
25 W. Chesapeake Avenue, Suite 204
Towson, Maryland 21204

Re: Case Number: 90-371-SPHXA
Petitioner(s): Shell Oil Company

Dear Mr. Lanzi:

Receipt of your letter dated March 8, 1990 and, accordingly, the above case scheduled to be heard on March 27, 1990, has been postponed.

Pursuant to our conversation this date, the sign posted on the property will remain in place and you will have your clients label same postponed.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

G. C. Stephens
G. C. STEPHENS
(301) 887-3391

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

25-90
Date

FEB 16 1990

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #230, Zoning Advisory Committee Meeting of February 6, 1990

Property Owner: Shell Oil Company

Location: J.N. Doherty, District Manager, Shell Oil Co. District: 15

Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or less) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any chattrhoiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewage facilities or other appliances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations for more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted, must be conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
- () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others _____

John O. Seiland
BUREAU OF WATER QUALITY AND RESOURCES
MANAGEMENT

SEILAND AND JEDNORSKI, P. A.
ATTORNEYS AT LAW
SUITE 204
25 WEST CHESAPEAKE AVENUE
POST OFFICE BOX 5404
TOWSON, MARYLAND 21204
(301) 331-8200

CHARLES A. JEDNORSKI
DONALD M. BARRICK
J. MICHAEL REICHER
J. NEIL LANZI

JOHN O. SEILAND
OF COUNSEL

March 6, 1990

FILE

J. Robert Haines, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Case No.: 90-371-SPHXA
401 Stemmers Run Road
Petitioner: Shell Oil Company

Dear Mr. Haines:

The above listed case has been scheduled for a Hearing on Tuesday, March 27, 1990 at 9:30 a.m. My clients will be out of the state the entire week of March 26, 1990. Accordingly, I respectfully request that you postpone this Hearing to a later date.

I thank you for your cooperation in this matter.

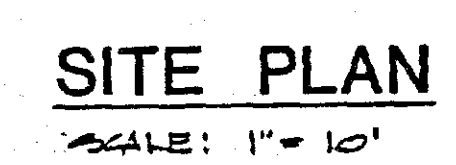
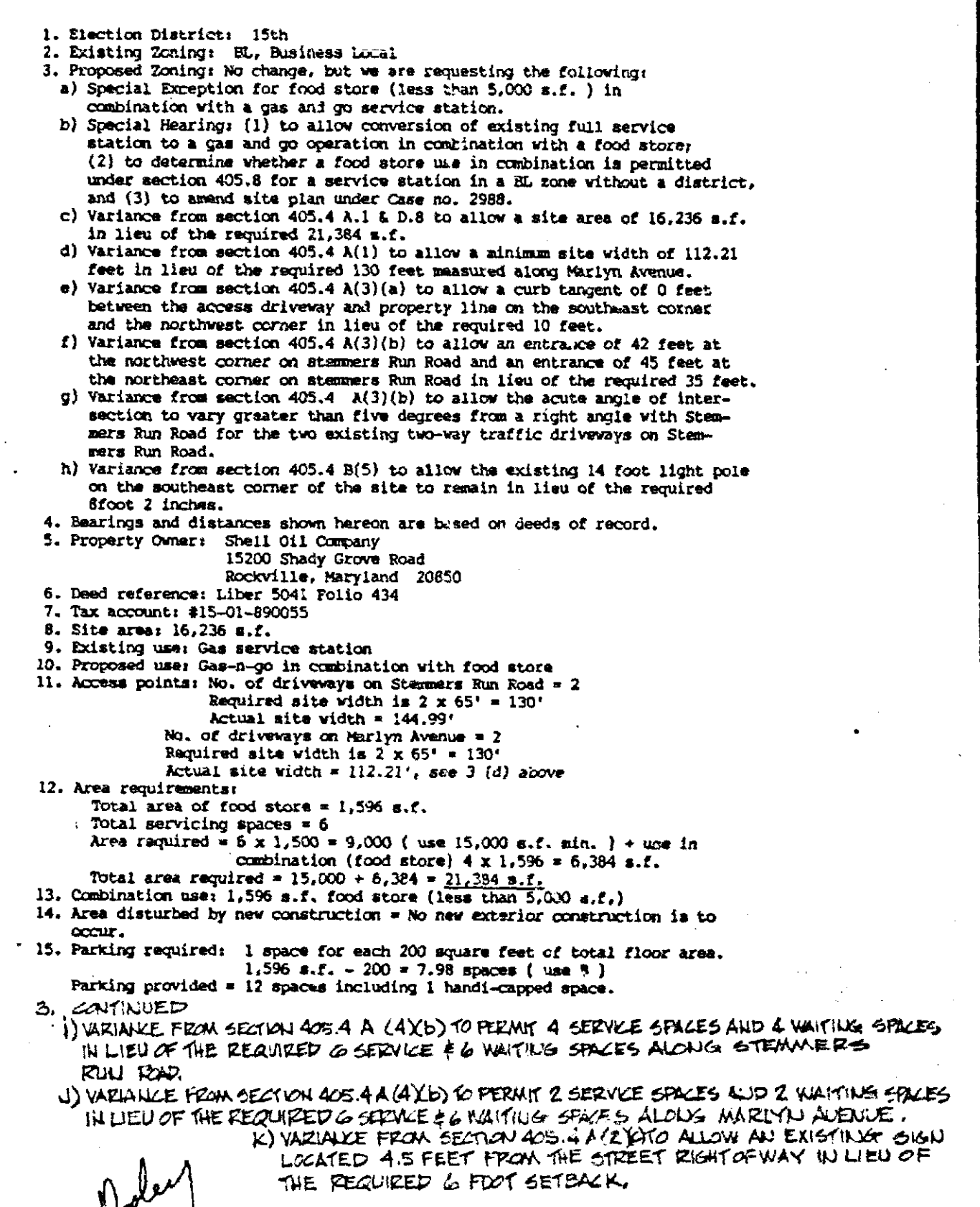
Very truly yours,

John O. Seiland

J. Neil Lanzi

JNL:cc

B B 137*****293201# 3118F
Please make checks payable to: Baltimore County



EXISTING POLE LIGHTS

Case No. 83-240-XSPHA Petition For Special Exception to allow a food store with less than five thousand (5,000) square feet in combination with gas and go service station, Petition For Special Hearing to allow an Amendment to the site plan filed in Case No. 2988 to allow the conversion of existing service station to a gas and go operation in combination with a food store and to amend Restriction No. 1 of Case No. 2988 to allow the existing gas pumps and pump island to be relocated closer to Marilyn Avenue than the setback of the house on the adjacent property; Petition for Zoning Variance from Section 405.4 (1) and (2) to allow a site area of sixteen thousand two hundred thirty-six (16,236) square feet in lieu of the required twenty-one thousand three hundred eighty-four (21,384) square feet. On May 23, 1983, all relief requested was granted including the Special Exception Petition for a food store in combination with a gas and go operation subject to three conditions, Petition for Special Hearing, granted to allow a conversion of a full service station to a gas and go operation and the removal of Restriction 1 from Case No. 2988 to allow the relocation of existing gas pumps and gas island; the Petition for Variance granted allowing a site area of sixteen thousand two hundred thirty-six (16,236) square feet in lieu of the required twenty-one thousand three hundred eighty-four (21,384) square feet.

SHELL OIL COMPANY
HOUSTON, TEXAS

DESIGNED:		CHECKED:	
(DRAWN)		SUPERVISED:	
SITE PLAN			
DATE:	DRAWING NO.	SHEET	
NOV. 27, 89	C-1	1 OF 1	